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IFW Receipt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **IKARI, Masanori**

Attention: **Applications Division**

Serial Number: **09/814,099**

Group Art Unit: **3661**

Filed: **March 22, 2001**

P.T.O. Confirmation No.: **2044**

For: **WORKING UNIT CONTROL APPARATUS OF EXCAVATING AND  
LOADING MACHINE**

**REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: April 25, 2006

Sir:

Please supply the undersigned attorney with a corrected filing receipt for the above-identified application. The undersigned also respectfully requests that the Patent and Trademark Office records be amended to reflect the correction.

In reviewing the official Filing Receipt, we noted an error in that the **second and third prior foreign application numbers are incorrect**, "2001-085446" should read as - **2000-085446**- ; and "2001-085448" should read as - **2000-085448**- . A copy of the substitute Declaration filed on April 24, 2006 is enclosed which indicates the correct information. We are enclosing a copy of the filing receipt with the corrections highlighted.

In the event that any fees are required in connection with this paper, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,  
HANSON & BROOKS, LLP

Mel R. Quintos  
Attorney for Applicant  
Reg. No. 31,898

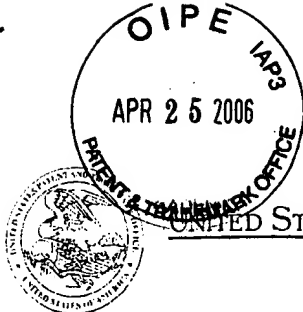
MRQ/lrj  
Atty. Docket No. **010270**  
1725 K Street, N.W.; Suite 1000  
Washington, D.C. 20006  
(202) 659-2930



23850

PATENT TRADEMARK OFFICE

Enclosures: Official Filing Receipt and Substitute Declaration f. 4/24/06.



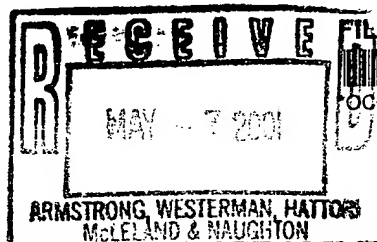
## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

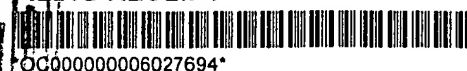
APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/814,099	03/22/2001	3671	1220	010270	9	13	6

CONFIRMATION NO. 2044

23850  
ARMSTRONG, WESTERMAN, HATTORI,  
MCLELAND & NAUGHTON, LLP  
1725 K STREET, NW, SUITE 1000  
WASHINGTON, DC 20006



FILING RECEIPT



OC000000006027694\*

Date Mailed: 05/01/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Masanori Ikari, Sayama-shi, JAPAN;

**Assignment For Published Patent Application**

Komatsu Ltd., Tokyo, JAPAN;

**Domestic Priority data as claimed by applicant****Foreign Applications**

JAPAN 2000-085427 03/24/2000

JAPAN 2001-085446 03/24/2000

JAPAN 2001-085448 03/24/2000

If Required, Foreign Filing License Granted 05/01/2001

Projected Publication Date: 09/27/2001

Non-Publication Request: No

Early Publication Request: No

Title

Working unit control apparatus of excavating and loading machine

**Preliminary Class**

037

**Data entry by :** TADESSE, ETAGEAN

**Team :** OIPE

**Date:** 05/01/2001



**BEST AVAILABLE COPY**

**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
 Office of Initial Patent Examination  
 Customer Service Center  
 Washington, DC 20231

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **IKARI, Masanori**

Group Art Unit: **3661**

Serial No.: **09/814,099**

Examiner: **Thu V. NGUYEN**

Filed: **March 22, 2001**

P.T.O. Confirmation No.: **2044**

For. **WORKING UNIT CONTROL APPARATUS OF EXCAVATING AND  
LOADING MACHINE**

SUBMISSION OF SUBSTITUTE DECLARATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

April 24, 2006

Sir:

Submitted herewith for filing is a Substitute Declaration for the above-identified application.

This Substitute Declaration is being submitted in order to correct the previously submitted incorrect second and third prior foreign application numbers.

Also attached is a copy of the original declaration with the corrections highlighted.

In the event any fees are due in connection with this paper, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,  
HANSON & BROOKS, LLP

Mel R. Quintos

Attorney for Applicants

Reg. No. 31,898

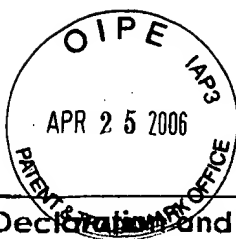
MRQ/lrj  
Atty. Docket No. **010270**  
1725 K Street, N.W.; Suite 1000  
Washington, D.C. 20006  
(202) 659-2930



**23850**

PATENT TRADEMARK OFFICE

Enclosures: (1) Substitute Declaration  
(2) Copy of Original Declaration filed March 22, 2001



Docket No. 010220

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP

## Declaration and Power of Attorney for Patent Application

特許出願宣言書及び委任状

Japanese Language Declaration

日本語宣言書

私は、以下に記名された発明者として、ここに下記の通り宣言する：

As a below named inventor, I hereby declare that:

私の住所、郵便の宛先そして国籍は、私の氏名の後に記載された通りである。

My residence, post office address and citizenship are as stated next to my name.

下記の名称の発明について、特許請求範囲に記載され、且つ特許が求められている発明主題に関して、私は、最初で、最先且つ唯一の発明者である（唯一の氏名が記載されている場合）か、或いは最初で、最先且つ共同発明者である（複数の氏名が記載されている場合）と信じている。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

WORKING UNIT CONTROL APPARATUS OF  
EXCAVATING AND LOADING MACHINE

上記発明の明細書はここに添付されているが、下記の欄がチェックされている場合は、この限りでない：

the specification of which is attached hereto unless the following box is checked:

☐ \_\_\_\_\_ の日に出席され、  
この出席の米国出願番号または PCT 国際出願番号は、  
\_\_\_\_\_ であり、且つ  
\_\_\_\_\_ の日に補正された出席（該当する場合）

☒ was filed on March 22, 2001  
as United States Application Number or  
PCT International Application Number  
09/814,099 and was amended on  
\_\_\_\_\_ (if applicable).

私は、上記の補正書によって補正された、特許請求範囲を含む上記明細書を検討し、且つ内容を理解していることをここに表明する。

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、連邦規則法典第 37 編規則 1.56 に定義されている、特許性について重要な情報を開示する義務があることを承認する。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

## Declaration and Power of Attorney for Patent Application

## 特許出願宣言書及び委任状

## Japanese Language Declaration

## 日本語宣言書

私は、ここに、以下に記載した外国での特許出願または発明者証出願、或いは米国以外の少なくとも一國を指定している米国法典第35編第365条(a)によるPCT国際出願について、同第119条(a)-(d)項又は第365条(b)項に基づいて優先権を主張するとともに、優先権を主張する本出願の出願日より前の出願日を有する外国での特許出願または発明者証出願、或いはPCT国際出願については、いかなる出願も、下記の枠内をチェックすることにより示した。

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application for which priority is claimed.

## Prior Foreign Application(s)

## 外国での先行出願

2000-085427  
(Number)  
(番号)

Japan  
(Country)  
(国名)

24/March/2000  
(Day/Month/Year Filed)  
(出願日/月/年)

Priority  
Claimed  
優先権主張

YES  
あり

NO  
なし

☒ ☐

2000-085446  
(Number)  
(番号)

Japan  
(Country)  
(国名)

24/March/2000  
(Day/Month/Year Filed)  
(出願日/月/年)

☒ ☐

2000-085448  
(Number)  
(番号)

Japan  
(Country)  
(国名)

24/March/2000  
(Day/Month/Year Filed)  
(出願日/月/年)

☒ ☐

他の優先権出願については添付のリスト参照

See attached list for additional prior foreign applications.

私は、ここに、下記のいかなる米国仮特許出願についても、その米国法典第35編119条(e)項の利益を主張する。

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

(Application No.)  
(出願番号)

(Filing Date)  
(出願日)

(Application No.)  
(出願番号)

(Filing Date)  
(出願日)

私は、ここに、下記のいかなる米国出願についても、その米国法典第35編第120条に基づく利益を主張し、又米国を指定するいかなるPCT国際出願についても、その同第365条(c)に基づく利益を主張する。また、本出願の各特許請求の範囲の主題が、米国法典第35編第112条第1段に規定された態様で、先行する米国出願又はPCT国際出願に開示されていない場合においては、その先行出願の出願日と本国内出願日またはPCT国際出願日との間の期間中に入手された情報で、連邦規則法典第37編規則1.56に定義された特許性に關する重要な情報について開示義務があることを承認する。

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of application.

(Application No.)  
(出願番号)

(Filing Date)  
(出願日)

(Status: Patented, Pending, Abandoned)  
(現況 : 特許許可、係属中、放棄)

(Application No.)  
(出願番号)

(Filing Date)  
(出願日)

(Status: Patented, Pending, Abandoned)  
(現況 : 特許許可、係属中、放棄)

私は、ここに表明された私自身の知識に係わる陳述が真実であり、且つ情報と信することに基づく陳述が、真実であると信じられることを宣言し、さらに、故意に虚偽の陳述などを行った場合は、米国法典第18編第1001条に基づき、罰金または拘禁、若しくはその両方により処罰され、またそのような故意による虚偽の陳述は、本出願またはそれに対して発行されるいかなる特許も、その有効性に問題が生ずることを理解した上で陳述が行われたことを、ここに宣言する。

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



## Declaration and Power of Attorney for Patent Application

## 特許出願宣言書及び委任状

## Japanese Language Declaration

## 日本語宣言書

委任状： 私は本出願を審査する手続きを行い、且つ米国特許商標庁との全ての業務を遂行するために、記名された発明者として、下記の弁護士及び/または弁理士を任命する。

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this Application and transact all business in the Patent and Trademark Office connected therewith.

23850

PATENT TRADEMARK OFFICE

全ての通信は下記の住所へ送付されたい。

Please direct all communications to the following address:

23850

PATENT TRADEMARK OFFICE

唯一または第一発明者氏名		Full name of sole or first inventor	
発明者の署名	日付	Masanori IKARI	Signature
住所		<i>Masanori Ikari</i>	Date
国籍		Apr. 7, 2006	
郵便の宛先		Residence	
		Sayama-shi, JAPAN	
		Citizenship	
		Japanese	
		Post Office Address	
		c/o Komatsu Ltd. Oyama Plant, 400,	
		Yokokurashinden, Oyama-shi, TOCHIGI 323-8558	
		JAPAN	
第二共同発明者がいる場合、その氏名		Full name of second joint inventor, if any	
発明者の署名	日付	Signature	Date
住所		Residence	
国籍		Citizenship	
郵便の宛先		Post Office Address	
第三共同発明者がいる場合、その氏名		Full name of third joint inventor, if any	
発明者の署名	日付	Signature	Date
住所		Residence	
国籍		Citizenship	
郵便の宛先		Post Office Address	
第四共同発明者がいる場合、その氏名		Full name of fourth joint inventor, if any	
発明者の署名	日付	Signature	Date
住所		Residence	
国籍		Citizenship	
郵便の宛先		Post Office Address	